

Application No. 09/941,170
Attorney Docket No. 74120-301413

REMARKS

As amended, claim 1 provides a communication system that includes, *inter alia*, a multiplexer configured to receive data packets directly from an internet-traffic source and indirectly via a SONET interface. These respective data packets are modulated at different wavelengths. Such an approach allows for traffic aided by SONET processing capability to utilize such capability, and eliminates the SONET infrastructure for internet-traffic sources and destinations and the optical fiber where it is less useful. Application at p. 2. Such an approach can liberate bandwidth that would otherwise be consumed by the SONET network. Id.

It should be noted that the relevant disclosure of Kikuchi et al. is basically described in the background of the present application. In particular, the background of the application discloses "a telephone network that includes optical fibers, commercially available SONET . . . infrastructure . . . [where] internet-traffic [shares] the telephone network with non-internet traffic such as that resulting from telephone calls, ATM cells, frame relay, and private line services." Application at p. 1. "To achieve network transparency, internet traffic is treated like conventional telephone traffic." Id.

The backbone of this same prior art approach is disclosed by Kikuchi et al. Similar to the prior art of the background, Kikuchi et al. fails to disclose, teach or suggest bifurcating the internet-traffic and the SONET traffic. Thus, for at least this reason Kikuchi et al. fails to render claim 1 unpatentable. Hence, Applicant respectfully requests withdrawal of the rejection and allowance of claim 1. Further, at least because claims 2-6 are properly dependent upon allowable claim 1, Applicant respectfully requests allowance of the aforementioned claims.

Claim 7 as amended and newly added claim 13 are also allowable for at least the aforementioned reason. Further, claims 8-12 and 14-20 are dependent upon allowable base claims and are thus allowable for at least this reason. Hence, Applicant respectfully requests allowance of claims 7-20.

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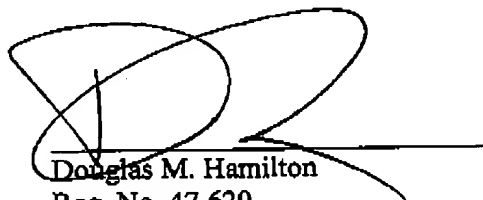
CONCLUSION

In view of the foregoing, Applicants submit that all claims now pending in this Application are in condition for allowance. Therefore, an early Office Action to that effect is earnestly solicited. If the Examiner believes a telephone conference would aid in the prosecution of this case in any way, please call the undersigned at 303-607-3747.

The fee for \$980.00 for the Petition for Extension for response within the third month is included in the credit card form PTO-2038. Please charge any additional fees required or credit any overpayments for this Amendment to Deposit Account 06-0029.

Dated: November 16, 2004

Respectfully submitted,



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